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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,683	04/15/2004	Timothy Nephi Tillotson	10030538-1	8077

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

EXAMINER

WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
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2155

MAIL DATE	DELIVERY MODE
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10/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/824,683	TILLOTSON ET AL.	
	Examiner	Art Unit	
	Michael Y. Won	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS; WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/18/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the application filed April 15, 2004.
2. Claims 1-20 have been examined and are pending with this action.

Claim Objections

3. Claims 11-13 objected to, under 37 CFR 1.75(c) as being in improper form because claims 11, 12, and 13 depends on two independent claim 1 and 8. See MPEP § 608.01(n). Accordingly, the claims 11-13 not been further treated on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Terrell et al. (US 2002/0124108).

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INDEPENDENT:

As per **claim 1**, Terrell teaches a method for creating a protocol dependent control path for instrument applications, comprising:

obtaining identification of a client (see page 5, [0036]: "device ID"), wherein the client is configured to invoke an instrument application (see page 1, [0004]:

"Conventional interfaces may include simple unilateral functions..."), wherein the client is configured to communicate using a client specific protocol (see pages 4-3, [0028]:

"may support numerous different protocols"), and wherein the application is configured to communicate using an application specific protocol (see page 17, [0134]: "application may provide indicia of protocol");

obtaining identification of the application (see page 4, [0031]: "the operating system may identify applications programs or their components with an identifier");

obtaining identification of the client specific protocol (see page 7, [0057]: "specified by the protocol to be used on the network");

obtaining identification of the application specific protocol (see page 17, [0134]: "application may provide indicia of protocol"); and

automatically creating a control path between the client and the application (see page 10, [0080]: "A VI channel may be activated by application program... Activation may be automatic").

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As per **claim 8**, Terrell teaches a computer readable memory device embodying a computer program of instructions executable by the computer, the instructions comprising:

obtaining identification of a client (see page 5, [0036]: "device ID"), wherein the client is configured to invoke an instrument application (see page 1, [0004]:

"Conventional interfaces may include simple unilateral functions..."), wherein the client is configured to communicate using a client specific protocol (see pages 4-3, [0028]:

"may support numerous different protocols"), and wherein the application communicates using an application specific protocol (see page 17, [0134]: "application may provide indicia of protocol");

obtaining identification of the application (see page 4, [0031]: "the operating system may identify applications programs or their components with an identifier");

obtaining identification of the client specific protocol (see page 7, [0057]: "specified by the protocol to be used on the network");

obtaining identification of the application specific protocol (see page 17, [0134]: "application may provide indicia of protocol"); and

automatically creating a control path between the client and the application (see page 10, [0080]: "A VI channel may be activated by application program... Activation may be automatic").

As per **claim 15**, Terrell teaches a system comprising:

a management logic module configured to obtain identification of a client (see page 5, [0036]: "device ID"), to obtain identification of an instrument application (see page 4, [0031]: "the operating system may identify applications programs or their components with an identifier"), to obtain identification of the client specific protocol (see page 7, [0057]: "specified by the protocol to be used on the network"), to obtain identification of the application specific protocol (see page 17, [0134]: "application may provide indicia of protocol"), and to automatically create a control path between the client and the application (see page 10, [0080]: "A VI channel may be activated by application program... Activation may be automatic"), wherein the client is configured to invoke the application (see page 1, [0004]: "Conventional interfaces may include simple unilateral functions..."), wherein the client is configured to communicate using a client specific protocol (see pages 4-3, [0028]: "may support numerous different protocols"), wherein the application is configured to communicate using a application specific protocol (see page 17, [0134]: "application may provide indicia of protocol"), and wherein the application specific protocol differs from the client specific protocol (see page 3, [0022]: "non-homogeneous").

DEPENDENT:

As per **claims 2 and 9**, which respectively depend on claims 1 and 8, Terrell teaches further comprising: recording the identification of the client; recording the identification of the application; recording the identification of the client specific protocol;

and recording the identification of the application specific protocol (see page 3, [0023]-[0025]: "provides data storage").

As per **claims 3 and 10**, which respectively depend on claims 1 and 8, Terrell further teaches wherein the application specific protocol differs from the client specific protocol (see page 3, [0022]: "non-homogeneous").

As per **claims 4 and 11**, which respectively depend on claims 1 and 8, Terrell teaches further comprising:

repeating the steps of claims 1 and 8, respectively for the client and a second application, wherein the second application is configured to communicate using a second application specific protocol and wherein the second application specific protocol differs from the application specific protocol (see page 3, [0021]: "any number of application programs" & [0022]: "non-homogeneous").

As per **claims 5 and 12**, which respectively depend on claims 1 and 8, Terrell teaches further comprising:

repeating the steps of claims 1 and 8, respectively for a second client and the application, wherein the second client is configured to communicate using a second client specific protocol and wherein the second client specific protocol differs from the client specific protocol (see page 3, [0021]: "any number of servers, clients..." & [0022]: "non-homogeneous").

As per **claims 6 and 13**, which respectively depend on claims 1 and 8, Terrell teaches further comprising:

repeating the steps of claims 1 and 8, respectively for a second client and a second application, wherein the second client is configured to communicate using a second client specific protocol, wherein the second application is configured to communicate using a second application specific protocol, and wherein the second client specific protocol differs from the client specific protocol (see Fig.1; page 3, [0021]: “any number of application programs... any number of application programs”; and [0022]: “non-homogeneous”).

As per **claims 7 and 14**, which respectively depend on claims 1 and 8, Terrell further teaches wherein the second application specific protocol differs from the application specific protocol (see page 14, [0112]: “different protocols”).

As per **claim 16**, which depends on claim 15, Terrell further teaches wherein the control path comprises:

a communication logic module configured to receive communications from the client, which conform to the client specific protocol, to translate such communications into communications to which the application is configured to understand and to which the application is configured to appropriately react (see page 3, [0025]: “protocol conversion”) and page 16, [0127]: “revise the indicia of protocol to”), and to transfer the translated communications to the application (see page 6, [0043]: “transmitting the message via the network”).

As per **claim 17**, which depends on claim 16, Terrell further teaches wherein the communication logic module comprises:

a server logic module configured to receive the communications from the client (see Fig.1 and page 3, [0027]; and

a translator logic module configured to receive the communications from the server logic module and to translate the received communications into communications to which the application is configured to understand and to which the application is configured to appropriately react (see page 3, [0025]: "protocol conversion" and page 16, [0127]: "revise the indicia of protocol to"), and to transfer the translated communications to the application (see page 6, [0043]: "transmitting the message via the network").

As per **claim 18**, which depends on claim 16, Terrell further teaches wherein the system further comprises:

the application, wherein the application comprises a virtual instrument and an application component logic module and wherein the virtual instrument is configured to receive communications from the communication logic module and to perform any additional translation of the communications into communications to which the application component logic module is configured to understand and to which the application component logic module is configured to appropriately react (see page 3, [0025]: "protocol conversion" and page 16, [0127]: "revise the indicia of protocol to"), and to transfer such communications to the application component logic module (see page 6, [0043]: "transmitting the message via the network").

As per **claim 19**, which depends on claim 16, Terrell further teaches wherein the system further comprises:

an additional communication logic module configured to receive additional communications from an additional client, which conform to an additional client specific protocol, to translate such additional communications into communications to which an additional application is configured to understand and to which the additional application is configured to appropriately react (see page 3, [0025]: "protocol conversion]" and page 16, [0127]: "revise the indicia of protocol to"), and to transfer the translated additional communications to the additional application (see page 6, [0043]: "transmitting the message via the network").

As per **claim 20**, which depends on claim 16, Terrell further teaches wherein the system further comprises:

an additional communication logic module configured to receive additional communications from an additional client, which conform to an additional client specific protocol, to translate such additional communications into communications to which the application is configured to understand and to which the application is configured to appropriately react (see page 3, [0025]: "protocol conversion]" and page 16, [0127]: "revise the indicia of protocol to"), and to transfer the translated additional communications to the application (see page 6, [0043]: "transmitting the message via the network").

Conclusion

5. For the reasons above, claims 1-20 have been rejected and remain pending.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

September 26, 2007